

Wiley Johnson, Mayor

*Council Members:*

Bob Jackson, Mayor Pro Tem  
Walter Bailey  
Aaron Brown  
Christine Czarnik  
Kima Garten-Schmidt  
William McIntosh



*Clerk-Treasurer*  
Lisa L. Wallace

*Town Attorney*  
G. Waring Parker

Town of Summerville  
**COUNCIL MEETING MINUTES**  
**February 10, 2016**

**ATTENDANCE**

Present: Mayor Wiley Johnson, Mayor Pro Tem Bob Jackson and Council members Walter Bailey, Aaron Brown, Christine Czarnik, Kima Garten-Schmidt, and Bill McIntosh. Also present were Lisa Wallace, Interim Town Administrator, and G.W. Parker, Town Attorney. Members of the press and the public were duly notified of the meeting and were also present.

**CALL TO ORDER**

The regular monthly meeting of Summerville Town Council was called to order at 7:30 p.m. on Wednesday, February 10, 2016. Mayor Johnson called forward Reverend Robert Leeper to give the invocation which was followed by the Pledge of Allegiance.

**UPDATE FROM WASTEPRO ON DEBRIS COLLECTION SERVICES**

John Nail from WastePro gave an update on the status of the recycling program for the Town of Summerville stating they are still working on a solution. This was accepted as information.

**PUBLIC HEARING: FLAG FOOTBALL PROGRAM USER FEES**

Doyle Best gave a brief explanation of the proposed flag football program and the associated fee schedule. Mayor Johnson called for any comments from the public. An unnamed citizen asked if this is opening up the town for any liability. Mr. Best explained that during the registration process, the town would require participants to have medical insurance to cover any injuries and would not be any different than the other league play that is currently offered. Another citizen asked how the town would handle it if there was overwhelming response to the program. Mr. Best stated there is no way to anticipate participation for the first year but he does not believe there will be a huge turnout initially and we have more than adequate facilities to cover the program. There being no further comments, the Mayor declared the public hearing closed.

**PUBLIC COMMENTS**

Mayor Johnson called for any other comments from the public. Gary Bailey, a 50 year resident, was disappointed with the decorum of the last meeting. He added that he rode through Weatherstone and does not understand why the residents do not want the proposed road that he believes would be an asset to the community. Jennifer Bailey

asked everyone on council to remember the greater good of the entire community. Mark [unknown last name] taught his son to respect authority adding that now is not the time to change the Mayor's authority. Fran Townsend praised the professional staff and department heads and thanked council for hiring great department heads and allowing them to hire a great staff. She added that Summerville needs relief from the traffic and asked council not to rescind the foresight of the previous council and move forward with plans for traffic relief. Carolyn Gorman spoke about the recent arrest made by the Summerville Police Department and asked why the suspect was allowed to get out on bail. She added that she wants Mayor Johnson in charge when these situations arise. Neyle Jones stated that he was inspired to be here tonight by a growing group of people known as "Positively Summerville". He congratulated the newly elected members and encouraged each member to vote for the good of Summerville as a whole. Jack Pratt stated that the police do a great job for this town but wants to see the speed limit enforced at Tea Farm and Marion. He added that he does not think police should pursue suspects at high speeds. Brian Kelley stated that he has dealt with town employees and they have always been helpful and reasonable. He wants the town government to continue working well and spoke against the proposed changes to the ordinances related to the Mayor and Town Administrator responsibilities. Lucia Campbell stated she was glad to hear the update from WastePro about the recycling issue. She also thanked the Mayor and Council for all they are doing for the town. She knows there has been opposition but wants everyone to work together. She added that growth and planning is vital to the town. Linda Haynes-Whetsell spoke about Wastepro stating that the noise, dust and stench is unbearable. She thanked the Town for cleaning up Shepard Street but added that Atlantic Street needs to be cleaned up. She also stated that there needs to be more police protection on Atlantic Street. Laura Jones spoke in support of town council stating that she was happy with the direction the town was heading prior to the election. She asked the council work together to bring resolution and not division. Adrian Kwist stated that he was disappointed with the road presentation that was given last month. He added that public safety should be the major issue and not cost. He also spoke against the proposed ordinance that would strip the Mayor of his authority and asked council to table it indefinitely. Bessie Simmons was concerned about the proposed plan to make Shepard Street one-way and asked if Simmons Street Extension and Waring Street would also be made one-way because they are also narrow. She was concerned about making the streets one-way simply because they are narrow. Brad Mallet commended the police department for support of the neighborhood watch groups. He also stated that a strong council encourages consensus and working together and is the essence of good governance. He added that improvement of traffic flow is for all of Summerville. He also announced that this year is the 25<sup>th</sup> year of the Farmer's Market. Tom Hart said his family is part of this community and he is aware of the problems facing Summerville. He asked Council to resist the temptation of following the angriest voices and to look for positive solutions. He also addressed the recent issues regarding the police department and the associate judge. He disclosed that the associate judge referred to in this issue is his law partner and son-in-law. He stated that the earlier comments made this evening were false, did not reflect the facts, and asked that Council not listen to the false besmirchment of a fine young lawyer's reputation. Terry Jenkins stated that the no Summerville Mayor has ever been elected with any additional power and authority except

those additional powers and authorities granted by Council. Caroline Leland stated that her professor cited Summerville as a worst case scenario of urban sprawl. She said that good growth is smart growth and she believed that our town was moving in the right direction with the vision plan and projects that followed smart growth principles. Frank Freeman encouraged Council to acknowledge and engage with the citizens during public comments. Linda Jones stated that areas of Weatherstone still have trees under water adding that the proposed road will cause flooding and destroy wetlands. Thadius Kuick questioned the proposed additional cost presented by Michael Baker Engineering if an alternate route around their neighborhood was taken. He asked why they feel the proposed road is better going through their neighborhood and asked council to consider public safety. A representative from the historic business district presented council with a petition stating that business owners, managers and employees in the historic district are frightened and concerned about panhandlers in the historic district. She understands that Mt. Pleasant and Charleston have ordinances in place to address this issue and asked council to consider putting something in place. Steve Blank stated that the proposed road through Weatherstone will not be similar to Westcott adding that the road will be going into back yards. He added that there is a viable alternative and questions the \$1.5 million dollar projection for the alternate route. Homer Gonzales spoke in favor of the proposed alternate route and asked Council to look at the environmental impact of the proposed road going through their neighborhood.

#### **APPROVAL OF MINUTES OF PREVIOUS MEETINGS**

Mr. McIntosh made a motion, seconded by Mr. Brown, to approve the minutes of the January 13, 2016 council meeting as presented. The motion carried unanimously.

#### **APPROVAL OF COUNCIL COMMITTEE REPORTS**

Mr. Brown made a motion, seconded by Ms. Garten-Schmidt, to approve the February 3, 2016 Finance Committee Report, the February 3, 2016 Public Safety Committee Report and the February 3, 2016 Public Works Committee Report. Mr. Jackson requested that the Finance Committee Report be amended to include that Mayor Johnson stated that he has issued keys to the Mayor's office to Peter Gorman and Christine Czarnik and made a motion that these reports be approved with the amendment to the Finance Committee Report. Mr. Bailey seconded the motion and the motion carried unanimously.

#### **PETITIONS**

Mr. McIntosh made a motion, seconded by Mr. Jackson, to accept the petition and have first reading of an ordinance to annex Dorchester County TMS # 145-07-10-006 (1 lot) located at 420 Miles Jamison Road to be zoned R2, Single Family Residential. The motion carried unanimously.

#### **PENDING BILLS AND RESOLUTIONS**

Mr. Jackson made a motion, seconded by Mr. Brown, to have second and final reading of an ordinance to annex Dorchester County TMS#s 135-16-00-014, -015, & -016 located at 1625 Central Avenue, owned by Thomas Mizell currently zoned R4, Multifamily to be zoned B3, General Business. The motion carried unanimously.



Mr. Jackson made a motion, seconded by Mr. Brown, to have second and final reading of an ordinance to annex Dorchester County TMS# 146-13-04-001 located at 245 Judith Drive, owned by Lakes of Summerville, LLC currently zoned R2, Residential to be zoned PUD, Planned Unit Development, and amend the existing PUD to include this parcel for use as a home owners' association common area with the proposed addition of an amenity boat storage facility. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Ms. Czarnik, to have second and final reading of an ordinance to adopt a revised fee schedule for the Blackwell Sports Complex. The motion carried unanimously.

Mr. McIntosh made a motion, seconded by Mr. Bailey, to have second and final reading of an ordinance to provide for the issuance and sale of G.O. refunding bonds of 2016. The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Brown, to have second and final reading of an ordinance to amend Chapter 2, Section 2-92 entitled "Date and hour of regular meetings". The motion carried unanimously.

Mr. Jackson made a motion, seconded by Mr. Bailey, to have second and final reading of an ordinance to amend Chapter 2, Article II, of the Code of Laws of the Town of Summerville entitled "Mayor" and "Council meetings". Mayor Johnson questioned whether the town was complying with Section 1-10 of the town's code and further stated that he did not call for a motion. Mr. Bailey stated that the council could not have discussion on the issue without a motion on the floor. After lengthy discussion, Mr. Bailey made a motion, seconded by Mr. Jackson, to have second and final reading of an ordinance to amend Chapter 2, Article II of the Code of Laws of the Town of Summerville entitled "Mayor" and "Council meetings" as amended. Mr. Bailey, Ms. Garten-Schmidt, Mr. Jackson, and Mr. McIntosh voted in favor of the motion. Ms. Czarnik, Mr. Brown, and Mayor Johnson voted against the motion. The motion carried.

Mr. Bailey made a motion, seconded by Mr. McIntosh, to have second and final reading of an ordinance to amend Chapter 2, Article IV of the Code of Laws of the Town of Summerville entitled "Town Administrator" as amended. Ms. Czarnik stated that she would be voting against this ordinance noting that it has the same technical irregularities as the previous ordinance. Mr. Brown concurred. There being no further discussion, the Mayor called for the vote. Mr. Bailey, Ms. Garten-Schmidt, Mr. Jackson and Mr. McIntosh voted in favor of the motion. Ms. Czarnik, Mr. Brown and Mayor Johnson voted against the motion. The motion carried. [NOTE: On March 9, 2016, Council authorized an amendment to these minutes to include Ms. Czarnik's notes on these pending bills. Those notes are attached and incorporated into these minutes.]

#### **INTRODUCTION OF NEW BILLS AND RESOLUTIONS**

Ms. Wallace reported that there were no new bills or resolutions.

**MISCELLANEOUS**

Mr. Jackson made a motion, seconded by Mr. Brown, to authorize the town to takeover 0.41 miles of Berkeley from SCDOT. The motion carried unanimously.

Mayor Johnson announced that the proposed plan for services agreement with Old Fort Fire Department is not ready to be considered yet stating that it would be postponed until the next meeting.

Mr. Jackson made a motion, seconded by Mr. McIntosh, to authorize an amendment to the town's email retention policy from 60 days to 1 year. The motion carried unanimously.

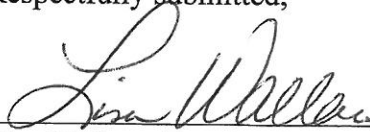
Ms. Czarnik made a motion, seconded by Mr. Brown, that the town select the Phase 1 option for the Bear Island/Sheep Island Road project that was presented to council last week. Ms. Czarnik, Mr. Brown and Mayor Johnson voted in favor of that motion. Mr. Bailey, Ms. Garten-Schmidt, Mr. Jackson, and Mr. McIntosh voted against the motion. The motion failed. [NOTE: On March 9, 2016, Council authorized an amendment to these minutes to include Ms. Czarnik's notes on this issue. Those notes are attached and incorporated into these minutes.]

Mr. Jackson made a motion, seconded by Mr. Bailey, to move forward with the Bear Island/Sheep Island Road project as originally presented. Mayor Johnson stated that he did not believe a new vote was necessary adding that since the motion to select the Phase 1 option failed, the project would continue to move forward as originally planned which will take the road through the Weatherstone subdivision.

**ADJOURN**

There being no further business, the meeting adjourned at 9:43 p.m. on motion of Mr. Brown, seconded by Mr. Jackson.

Respectfully submitted,



Lisa Wallace, Interim Town Administrator,  
Director of Administrative Services and  
Clerk/Treasurer

APPROVED:



William Wiley Johnson, Mayor

## Mayoral Powers Ordinance Changes

I have yet to hear a legitimate reason for making these changes. We were told it was necessary to "restore" or "return to" the form of government we had when Collins took office. Not true – current ordinances, without these proposed changes, are what the town operated under for at least six decades.

Ad hoc committee has been tasked with reviewing all town ordinances. I have already found inconsistencies and cross referencing errors in the ordinances and these proposals are no better in terms of their technical errors:

Sec. 2-63. – Authority to add items to the agenda.

- During the finance committee meeting held prior to any regularly scheduled meeting, any two members of council shall have the authority to add any item to the agenda for all regular meeting of council.

*This has been added to Chapter 2, Article 2, Division 2 – titled MAYOR. It's in the wrong section.*

Sec. 2-26. – Authority to require officers to furnish reports.

The mayor and town council may together call upon any officer of the town and members of the boards to furnish, in writing, any information connected with any of their respective offices.

*By adding "and town council" they have extended this authority to council, but have also given the mayor to veto a request by council. Same issue in Sec. 2-214 (11).*

Sec.2-95. – Presiding Officer; quorum.

- Immediately at the hour appointed for a council meeting, the presiding officer shall take the chair and, if a quorum is present, proceed to business. A majority of the seven members of the council (four) shall constitute a quorum.

*Currently reads "mayor or presiding officer". So, the presiding officer is now the presiding offer. No definition of who this is or how they are appointed.*

## Bear Island / Sheep Island

Sheep Island yields better levels of service than Bear Island (1<sup>st</sup> Michael Baker International report - Table 2.0)

Sheep Island is less damaging to wetlands (1<sup>st</sup> Michael Baker report - Table 3.0)

Phase 1 of Sheep Island Alternative:

- Achieves goal of moving traffic from Main Street to the new exit 197
- Provides acceptable levels of service until at least 2035
- Costs \$850,000 less than the Bear Island Extension (2<sup>nd</sup> Michael Baker report – Summary of Options Table)

Will not divert funding or delay development of Maple Street extension

Phase 2 of Sheep Island Alternative (as outlined in 2<sup>nd</sup> Michael Baker report), does not take new development into consideration. 15 years before it's time to look at building out Phase 2. We will find that if Phase 2 is still necessary, it will be different than what is proposed now. Additional development, different traffic patterns. We can make better decision later, with more current information.

Citizens universally expect 2 things from their local government:

- Public Safety
- Preservation or improvement of quality of life

Residents in any neighborhood in Summerville would expect assistance from their representatives if they were told that an interstate exit connector was going to be built through their neighborhood, especially when there is a better alternative available that goes around the neighborhood.